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JUN 7 - 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Stephen D. RUSSELL, et al. :
Application No. 08/518,051 : DECISION ON PETITION
Filed: August 22, 1995 :
For: **PROGRAMMABLE GREY-SCALE** :
LIQUID CRYSTAL DISPLAY :

This is a decision on the petition filed March 30, 2005, under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment.

The petition is **GRANTED**

The application was held abandoned for failure to respond in a timely manner to the Final Office action mailed July 7, 2003. The application became abandoned when no further response was received. A Notice of Abandonment was mailed February 23, 2004.

Petitioner alleges to have timely submitted a response to the Final Office Action. In support, the Petitioner has included a copy of the return postcard date stamped September 22, 2003, itemizing a transmittal letter, an Amendment (4 pages) and a certificate of mailing.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, “[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.” Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above, the Notice of Abandonment is vacated and the holding of abandonment withdrawn. In addition, a review of the file reveals that the amendment has been processed by the Technology Center's technical support staff and has already been considered by the examiner. The Notice of Allowability and Notice of Allowance and Fee Due were mailed May 27, 2005.

The application will be forwarded to the Office of Publications for processing as appropriate.



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